

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA

JUL 07 2000

HUANG AI JIN, : MARY E. D'ANDREA, CLERK
: Per _____
Petitioner : Deputy Clerk

v. : CIVIL NO. 1:CV-00-1029

JANET RENO, : (Judge Kane)

Respondent :
- - - - -

ZHANG KE LIANG, :
Petitioner :
v. : CIVIL NO. 1:CV-00-1030

JANET RENO, : (Judge Kane)

Respondent :
- - - - -

ORDER

Entered from the record
Date 7-7-00
Per Mary E. D'Andrea, Clerk
George J. Bairne
Deputy Clerk

Background

Both of the above-captioned petitions for writ of habeas corpus were filed under 28 U.S.C. § 2241. This court has reviewed the matters and found that they involve common issues of law and fact. For the reasons outlined below, the cases will be

consolidated pursuant to Federal Rule of Civil Procedure 42(a) and the consolidated matter will proceed under Civil Action No. 1:CV-00-1029, which was the initially filed action.

DISCUSSION

Rule 42(a) of the Federal Rules of Civil Procedure states:

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

Fed. R. Civ. P. 42(a).

Petitioners Huang Ai Jin and Zhang Ke Liang are husband and wife. Both are natives of China and are presently represented by legal counsel employed by the same law firm. Neither petitioner is presently confined. The petitions similarly name United States Attorney Janet Reno as sole respondent.

Following a consolidated hearing for both petitioners in York, Pennsylvania on October 23, 1996, an Immigration Judge granted them asylum based on their fears of being sterilized if returned to China. Following cross appeals by petitioners and

the Immigration and Naturalization Service, an order of removal of both petitioners was entered by the Board of Immigration Appeals (BIA) on September 28, 1999. By order dated December 23, 1999, the BIA denied their motion for reconsideration.

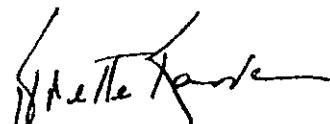
The factual averments and legal arguments set forth in the present petitions are identical. Specifically, both petitions are challenging the BIA's order of September 28, 1999. Jin and Liang each similarly maintain that they are entitled to a grant of political asylum because of fear of sterilization and religious persecution if returned to their homeland. Consequently, since both petitions contain common factors of law and fact, this court will order the consolidation of the two actions pursuant to Rule 42(a) and will proceed with the consolidated matter under the initially filed action, Civil Action No. 1:CV-00-1029.

AND NOW, THEREFORE, THIS
HEREBY ORDERED THAT:

7th *July*
DAY OF JUNE, 2000, IT IS

1. The Clerk of Court is directed to consolidate Liang v. Reno, Civil No. 1:CV-00-1030 into Jin v. Reno, Civil No. 1:CV-00-1029, pursuant to Federal Rule of Civil Procedure 42(a).

2. The Clerk of Court is directed to close the case of Liang v. Reno, Civil No. 1:CV-00-1030.



YVETTE KANE
United States District Judge

YK:jvw

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

July 6, 2000

Re: 1:00-cv-01029 Jin v. Reno

True and correct copies of the attached were mailed by the clerk
to the following:

Robert A. Horne, Esq.
401 Broadway
New York, NY 10013

cc:

Judge ()
Magistrate Judge ()
U.S. Marshal ()
Probation ()
U.S. Attorney ()
Atty. for Deft. ()
Defendant ()
Warden ()
Bureau of Prisons ()
Ct Reporter ()
Ctroom Deputy ()
Orig-Security ()
Federal Public Defender ()
Summons Issued () with N/C attached to complt. and served by:
U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5 ()
Order to Show Cause () with Petition attached & mailed certified mail
to: US Atty Gen () PA Atty Gen ()
DA of County () Respondents ()
Bankruptcy Court ()
Other PASLC ()

MARY E. D'ANDREA, Clerk

DATE: 7/7/00

BY: GR
Deputy Clerk